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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,064	01/19/2001	Hyung Hoon Oh	0630-1221P	6671

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SENF, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,064

Applicant(s)

OH ET AL.

Examiner

Behrooz Senfi

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on Jan. 2, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Yuzawa (US 6,363,061) reference.

The newly added limitation in independent claims 1 and 14 does not change the content of the claims, therefore the grounds for rejecting claims 1 and 14 still applies for the same reason as stated in previous Office Action (paper no. 2).

Applicant amends claims 1 and 14 (paper no. 3, dated Jan. 2, 2004).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 - 4, 11 – 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuzawa (US 6,363,061).

Regarding claims 1, 4, 14 and 16, Yuzawa '061 discloses "an image communication for compressing video and audio data of an image and transmitting them " (i.e. fig. 1), in which one packet data frame comprising: "a header data for separating video data and audio data" (i.e. fig. 1, separation unit 11, col. 6, lines 41 – 44), and "a transmission and reception data size based on a communication speed" (i.e.

fig. 10, transmission and receiver system), and "compressed audio data and video data" is inherent feature in MPEG for transmission, and "a control index representing an information for indicating an additional operation" reads on (fig. 4, section indicator, col. 7, lines 48 – 54), and "a control data for notifying a receiver side of data relating to the additional operation" reads on the other necessary data included in header.

Regarding claims 2 – 3, and 15, Yuzawa '061 shows example of different arrangement of data packets (i.e. figs. 4 – 5) for transmission data and this arrangement is based on the desired information/data, the privacy mode reads on (fig. 4, private indicator), and change in size (reads on fig. 4, code data x N) and image quality and retransmission, reads on (fig. 4, error correction CRC) where indicate an error send the signal of indicating the error and alternatively after correcting the error the signal/data will be retransmitted.

Regarding claims 11 – 13 and 18, Yuzawa '061 discloses, "a sequence number and a CRC are inserted for each different size based on a predetermined value according to the change in image data size indicated by the control index information" (i.e. col. 5, lines 37 – 45).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuzawa (US 6,363,061).

Regarding claims 5 and 17, OFFICIAL NOTICE: Yuzawa '061 teaches transmitter side and the receiver side (i.e. fig. 1), and header data separates the video and audio data (i.e. col. 6, lines 39 – 43).

The Yuzawa '061 reference fails to explicitly teach synchronization. However the claim limitation "synchronization" between the transmitter and the receiver is well-known and obvious to one ordinary skill in the art, since the transmitter and the receiver has to be synchronized in order for the transmitter to transmit the data and the receiver to receive the data properly.

6. Claims 6 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuzawa (US 6,363,061) in view of Chou et al (US 6,594,798).

Regarding claim 6, Yuzawa '061 teaches communication apparatus for transmitting video and audio data (i.e. fig. 1).

Yuzawa '061 fails to explicitly teach that the quality of the image is based on the compression ratio of a video data to be transmitted. However the above claim limitation is well known in the prior art as evidenced by Chou '798, in particular (i.e. cols. 1 - 2, lines 66 – 40, and col. 13, lines 7+) teaches broadcasting video and audio data at different transmission rates/bandwidth, wherein the quality being progressively better at the higher rates.

Taking the combined teaching of Yuzawa '061 and Chou '798 as a whole it would have been obvious to one ordinary skill in the art that the higher the rate makes more

source information through transmission and therefore better quality (i.e. col. 13, lines 7+).

Regarding claims 7 – 8, combination of Yuzawa '061 and Chou '798, teaches the claimed "sequence number" (i.e. col. 4, lines 26+, col. Lines 9+ of Chou '798).

7. Claims 9 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuzawa (US 6,363,061) in view of Martin (US 5,539,823).

Regarding claims 9 – 10, Yuzawa '061 teaches "an image communication for Compressing video and audio data of an image and transmitting them" (i.e. fig. 1), and "a control index representing an information for indicating an additional operation" reads on (fig. 4, section indicator, col. 7, lines 48 – 54).

Yuzawa '061 fails to explicitly teach "inverse of video or audio data" as claimed. However the above claim limitation is well known in the prior art as evidenced by Martin '823, in particular (i.e. col. 1, lines 35+) teaches video inversion for enhancement of viewing security of the video signal.

Taking the combined teaching of Yuzawa '061 and Martin '823, as a whole it would have been obvious to one ordinary skill in the art to provide video inversion and change modes to enhance viewing security of the video signal (i.e. col. 2, lines 53 - 54+).

Response to remarks

Applicant asserts (paper no. 3, dated Jan. 2, 2004, page 9, lines 14 – 15) that Yuzawa fails to teach or suggest the recited "one packet data frame which comprises

header data containing information for separating video data and audio data, transmission and reception data size information based on a communication speed”.

Examiner respectfully disagrees. The claimed single packet data frame is a representation of the plurality of packets in Yuzawa '061. In fact (i.e. col. 8, lines 18 – 28) of Yuzawa '061 provide an example of a one packet contained in a frame.

Applicant asserts (paper no. 3, dated Jan. 2, 2004, page 10, lines 6 – 10) that Yuzawa is not capable of easily separating video and audio and control data from the one packet data”.

Examiner respectfully disagrees. Yuzawa '061 discloses separating video and audio data and additional data (including program information) based on the information of the header portion, which covers the claimed limitation in independent claims 1 and 14.

Applicant asserts (paper no. 3, dated Jan. 2, 2004, page 11, lines 17 - 18) that Chou et al and Martin fail to teach or suggest the recited “one packet data frame comprises header data containing information for separating video data and audio data, transmission and reception data size information based on a communication speed”.

As for the above argument, Examiner relied on Yuzawa '061 for disclosing the above subject matter and not Chou et al and/or Martin.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

3/10/2004


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600